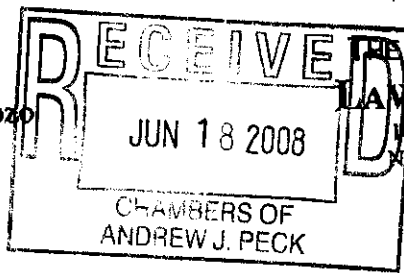




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DOC#
DATE FILED: 6/20/08

MICHAEL A. CARDOZO
Corporation Counsel



CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Blanche Greenfield
Phone: 212-788-0872
Fax: 212-788-8877
E-mail: bgreenfi@law.nyc.gov

June 18, 2008

BY FACSIMILE

Magistrate Judge Andrew J. Peck
Southern District of New York
500 Pearl Street
New York, NY 10007
(212) 805-7933

MEMO ENDORSED *[Signature]*

Re: Teachers4Action et al., v. Bloomberg, et al.,
08 Civ. 0548 (VM) (AJP)

Dear Magistrate Judge Peck,

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for City defendants in the above captioned action. At the conference held before the Court on June 11, 2008 your Honor granted City defendants the opportunity to submit an affidavit from the Department of Education regarding plaintiffs' allegations that the Temporary Reassignment Centers ("TRC") located at 333 7th Avenue in Manhattan, 4111 Broadway in Washington Heights, and 30-48 Linden Place, Queens, are scheduled not to reopen for the Fall 2008 school year. As set forth in the Declaration of Jeffrey Shear, Chief of Staff to the Deputy Chancellor for Finance and Administration at the Department of Education, and submitted herewith, only the TRC located at 4111 Broadway will not reopen in the fall. The other two TRC's identified by plaintiffs will reopen in the fall.

As such, City defendants respectfully request that your Honor modify the Court's June 11, 2008 order to limit the plaintiffs' inspection to the TRC located at 4111 Broadway. I note, that as of this writing, plaintiffs' counsel has not yet notified this office that he has retained a qualified videographer or otherwise attempted to schedule the inspections. As such, City defendants submit that this submission is timely made.

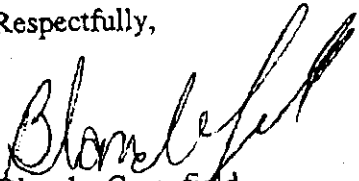
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Fax: 212-341-3934

NYC LAW DEPARTMENT

We thank the Court for its consideration in this matter.

Respectfully,


Blanche Greenfield
Assistant Corporation Counsel

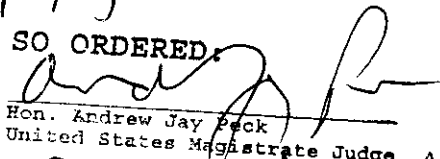
w/encls.

cc: Edward Fagan by e-mail
Charles Moerdler, by facsimile
w/encls.

MEMO ENDORSED 6/10/08

Good after your letter in the
attacked share of assets. It's understood
myself's let's build to the 4111 Broadway
TRC, and is understood on party's property
property before court and it's not an
etc. CV 9/11/08 understanding.

SO ORDERED:


Hon. Andrew Jay Beck
United States Magistrate Judge

my fax: [illegible]
[illegible]

BY FAX

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TEACHERS4ACTION, et al.,

Plaintiffs,

-against-

08 civ. 548 (VM) (AJP)

MICHAEL R. BLOOMBERG, et al.,

Defendants.
-----X

JEFFREY SHEAR, pursuant to 28 U.S.C. 1746 and subject to penalty of perjury,
declares that the following is true and correct:

1. I am currently employed by the New York City Board of Education (sued herein and doing business as the "Department of Education") as the Chief of Staff to the Deputy Chancellor for Finance and Administration. In this capacity I am responsible for the strategic planning for all Department of Education facilities including the Temporary Reassignment Centers ("TRC"), and my responsibilities include overseeing any planning for the relocation of any TRC. I am familiar with the facts set forth herein based on personal knowledge and a review of the books and records maintained by my office.
2. I have been advised of plaintiffs' allegation that the TRC's located at 333 7th Avenue in Manhattan, 4111 Broadway in Washington Heights, and 30-48 Linden Place, Queens, are scheduled not to reopen for the Fall 2008 school year.
3. However, only the TRC located at 4111 Broadway will not reopen in the fall, after closing at the end of this school year.
4. The TRC's located at 333 7th Avenue in Manhattan and 30-48 Linden Place Queens are scheduled to reopen for the fall 2008 school year.

Dated: New York, New York
June 16, 2008


JEFFREY SHEAR

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: June 20, 2008

Total Number of Pages: 5

TO	FAX NUMBER
Edward D. Fagan, Esq.	646-304-6446
Blanche Greenfield, Esq.	212-788-8877
Charles G. Moerdler, Esq.	212-806-2647

TRANSCRIPTION:

MEMO ENDORSED 6/20/08

Based on the representations in the attached Shear affidavit, plaintiff's videotaped inspection is limited to the 4111 Broadway TRC and is conditioned on plaintiff promptly providing defense counsel and the Court with the CV of their videography expert.

Copy to: Judge Victor Marrero